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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,095

06/02/2005

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EXAMINER

ALGIBHAH, HAMZA N

ART UNIT

PAPER NUMBER

2448

NOTIFICATION DATE

DELIVERY MODE

04/08/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,095	<b>Applicant(s)</b> KATO ET AL.	
	<b>Examiner</b> HAMZA ALGIBHAH	<b>Art Unit</b> 2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/15/2005, 07/14/2008</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. **Claims 1-6** are pending.
2. **Claims 1-6** are rejected.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-6** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Claim 1 is an apparatus claim** however it does not recite any hardware, processor in the body of the claim. The limitation “terminal” can be pure software per se. Thus it is non-statutory.

**Claims 2-3** depends on claim 1 and therefore rejected under the same reason set forth for claim 1 above.

**Claim 4 is an apparatus claim** however it does not recite any hardware, processor in the body of the claim. The limitation “terminal” can be pure software per se. Thus it is non-statutory.

**Claim 5 is an apparatus claim** however it does not recite any hardware, processor in the body of the claim. The limitations “terminal, session control” can be pure software per se. Thus it is non-statutory.

**Claim 6** depends on claim 5 and therefore rejected under the same reason set forth for claim 5 above.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-6** are rejected under 35 U.S.C. 102(b) as being anticipated by Choung et al (Patent. No.: 6,295,550 B1).

***As per claim 1, Choung discloses: a terminal apparatus comprising:***

- ***a session opening request section that requests the opening of a session with a specified terminal apparatus*** (Choung, Fig 6-7, col 1 lines: 55-65, col 2 lines: 4-10 );
- ***a reservation process setting request section that requests the setting of a reservation process executed when the opened session is changed; and*** (Choung, Fig 6-9, col 9 lines: 5-32) Choung teaches the process

of requesting to define a session which includes information about the nature (objective) of the session and hence a reservation process executed when the opened session is changed as claimed;

- ***a session closing request section that requests the closing of the opened session*** (Choung, Fig 6 item: 620, Fig 7 item: 720, fig 13 item: 1319, col 11 lines: 65-67);

***As per claim 2, claim 1 is incorporated and Choung further discloses a session hierarchical operation request section that requests a change operation of a hierarchical relationship among a plurality of opened sessions*** (Choung, Fig 12, col 11 lines:1-21); Choung teaches the process of changing the leading terminal status by selecting the next available leading terminal which can be the process of changing operation of a hierarchical relationship among a plurality of opened sessions as claimed;

***As per claim 3, claim 2 is incorporated and Choung further discloses that said hierarchical relationship is specified by a session ID assigned to each session*** (Choung, col 1 lines: 58-61, col 7 lines: 1-5) where the session ID can be the session name which defines the session;

***As per claim 4, Choung further discloses***

- ***a session opening request reception section that receives a session opening request requesting the opening of a session with a specified***

***terminal apparatus*** (Choung, Fig 6-7, col 1 lines: 55-65, col 2 lines: 4-10 );

- ***a session opening section that opens a session with a specified terminal apparatus according to the received session opening request***

(Choung, Fig 6-7, col 1 lines: 55-65, col 2 lines: 4-10 );

- ***a session closing request reception section that receives a session closing request according to a reservation process executed when the opened session is changed; and a session closing section that closes the opened session according to the received session closing request***

(Choung, Fig 6 item: 620, Fig 7 item: 720, fig 13 item: 1319, col 11 lines: 65-67);

***As per claim 5, Choung further discloses a session control apparatus comprising:***

- ***a session opening request reception section that receives a session opening request requesting the opening of a session with a specified terminal apparatus*** (Choung, Fig 6-7, col 1 lines: 55-65, col 2 lines: 4-10 );

- ***a reservation process setting request reception section that receives a reservation process setting request requesting the setting of a reservation process executed when the opened session is changed and***

(Choung, Fig 6-9, col 9 lines: 5-32) Choung teaches the process of requesting to define a session which includes information about the nature (objective) of the session and hence a reservation process executed when the opened session is changed as claimed;

- ***a session closing request reception section that receives a first***

***session closing request requesting the closing of the opened session***

(Choung, Fig 6 item: 620, Fig 7 item: 720, fig 13 item: 1319, col 11 lines: 65-67);

- ***a hierarchy setting section that sets a hierarchal relationship among a plurality of opened sessions according to the received session opening request*** (Choung, Fig 12, col 11 lines:1-21); Choung teaches the process of changing the leading terminal status by selecting the next available leading terminal which can be the process of setting a hierarchal relationship among a plurality of opened sessions as claimed;

- ***a hierarchy update section that updates the set hierarchal relationship according to the received first session closing request***

(Choung, Fig 12-13, col 11 lines:48-67) where the process of gathering the web pages' location information and send it to the leading terminal can be the process of updating the set hierarchal relationship as claimed since the leading terminal is changed;

***a reservation process setting section that sets a reservation process***

***executed when the opened session is changed, according to the received reservation process setting request*** (Choung, Fig 6-9, col 7 lines: 5-22, col 9 lines: 5-32) Choung teaches the process of requesting to define a session which includes information about the nature (objective) of the session. These sessions objectives can be retrieving web pages or establishing voice communication links between terminals and hence setting a reservation process executed when the opened session is changed, according to the received reservation process setting request as claimed;

- ***a reservation process execution section that executes the set reservation process according to the received first session closing request; and*** (Choung, Fig 6-9, col 7 lines: 5-22, col 9 lines: 5-32) Choung teaches the process of retrieving web pages or establishing voice communication links between terminals and hence execution section that executes the set reservation process according to the received first session closing request;
- ***a session closing request transmission section that transmits a second session closing request requesting the closing of a session with the specified terminal apparatus according to the closing of the reservation process executed*** (Choung, Fig 6-7, col 7 lines: 59-67); Choung teaches that the collaborative controller program informs the terminals that the session has been completed when it determines to end the session after the execution of the needed process (retrieving web pages, establishing voice channels);

***As per claim 6, claim 5 is incorporated and Choung further discloses a session hierarchical operation request reception section that receives a session hierarchical operation request requesting a change operation on a hierarchical relationship among a plurality of opened sessions; and a hierarchy change section that changes a hierarchical relationship according to the received session hierarchical operation request*** (Choung, Fig 12, col 11 lines:1-21); Choung teaches the process of requesting to change



the leading terminal and changing the leading terminal status by selecting the next available leading terminal;

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMZA ALGIBHAH whose telephone number is (571)270-7212. The examiner can normally be reached on Monday-Thursday, 7:30AM-5:00PM, EST, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-67036703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HAMZA ALGIBHAH/

Examiner, Art Unit 2448

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448